

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID LEE ROBINSON,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:06-CV-1696 (CEJ)
)	
MICHAEL BOWERSOX, ¹)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On January 22, 2010, the Magistrate Judge issued a Report and Recommendation, recommending that the petition of David Lee Robinson, for writ of habeas corpus under 28 U.S.C. § 2254, be denied. Petitioner has not filed any objections to the Report & Recommendation. The time to file objections has now elapsed.

Accordingly,

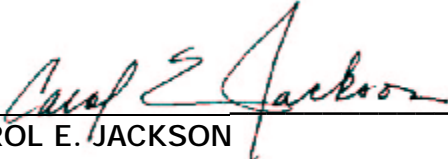
IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton [#20] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of David Lee Robinson, for a writ of habeas corpus [#1] is denied.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

¹Petitioner is presently incarcerated at the South Central Correctional Center in Licking, Missouri. As such, Michael Bowersox, Superintendent of the South Central Correctional Center, is substituted as the proper party respondent.

A separate judgment in accordance with this order will be entered this same date.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2010.